



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,230	06/27/2001	Francis Ko	LAM2P257	4834

25920 7590 02/23/2005

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/894,230

Applicant(s)

KO ET AL.

Examiner

John Ruggles

Art Unit

1756

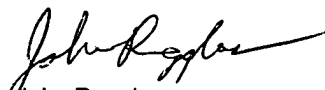
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 03 January 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.


John Ruggles
Examiner, Art Unit 1756
571-272-1390

Continuation of 10. Other (including any explanation in support of the above items):

Item 1: (a) Section "V. Summary of the Invention" is not under the proper heading, which should be changed to --V. Summary of CLAIMED SUBJECT MATTER-- (emphasis added); (b) sections "VI. Issues" and "VII. Grouping of the Claims" should be replaced by a single section under the heading --VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL-- (emphasis added); section "VIII. Arguments" should be renumbered to be section --VII. Arguments--; and (d) section "IX. Claims Appendix" should be renumbered to be section --VIII. Claims Appendix--.

Item 2: While correctly identifying the finally rejected and appealed claims (claims 16-24 and 37-39) in section III. Status of the Claims, Appellants have failed to identify the status of ALL claims, because the canceled claims (claims 1-15 and 25-36) have neither been identified under the Status of the Claims section of the appeal brief nor in the Claims Appendix section attached thereto.

Item 4: Section V of the brief should be given the proper heading as noted above and must contain a concise explanation of the subject matter in each of the independent claims on appeal (only claims 16 and 37 are independent), while also referring to the specification by page and line number and to the drawings by reference characters.

Item 5: The Grounds of Rejection to be Reviewed on Appeal (VI) must contain a separate statement for each of the four separate grounds of rejection, which are as follows:

(1) Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6,255,022) and further in view of Schroeder et al. (US Patent 6,379,869).

(2) Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6,255,022), further in view of Schroeder et al. (US Patent 6,379,869), and further in view of Tsai et al. (US Patent 5,899,748).

(3) Claims 19-23 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6,255,022), further in view of Schroeder et al. (US Patent 6,379,869), further in view of Tsai et al. (US Patent 5,899,748), further in view of Kishimura (US Patent 5,123,998), further in view of Singh et al. (US Patent 6,479,820), and further in view of George et al. (US Patent 4,980,563).

(4) Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,337,163) in view of Young et al. (US Patent 6,255,022), further in view of Schroeder et al. (US Patent 6,379,869), and further in view of Rangarajan et al. (US Patent 6,451,512).

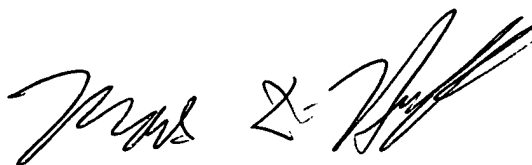
Item 6: The Arguments section (VII) must contain a separate heading corresponding to each separate ground of rejection as listed above, with any claims that are argued separately placed under a subheading. Appellants are further apprised that when multiple claims subject to the same ground of rejection are argued as a group, the Board may select a single claim from the group to decide the appeal with respect to that group of claims as to the ground of rejection on the basis of the selected claim alone.

A more detailed explanation of the current rules for an Appeal Brief was published in the Federal Register on 12 August 2004 (69 Fed. Reg. 49959, especially section 41.37 Appeal Brief on pages 50006-50007).


John Ruggles

Examiner, Art Unit 1756

571-272-1390


MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700